

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 10-19 are currently pending. Claims 1-9 are canceled. Claims 14-19 have been added by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 10-13 were rejected under 35 U.S.C. § 112, first paragraph, as not enabled by the written description, and as containing new matter; and Claims 10-13 were rejected under 35 U.S.C. § 102(b) as anticipated by Wei et al. (U.S. Publication 2003/0227875 A1).

First, Applicants wish to thank Examiner Casca for the courtesy of a personal interview granted to Applicants' representatives on July 30, 2008, during which the outstanding issues in the present application were discussed. During the interview, claims submitted in the Supplemental Preliminary Amendment filed on July 3, 2008, were discussed in relation to the Wei et al. reference and the 35 U.S.C. § 112, first paragraph, rejections. Suggestions discussed during the interview are incorporated in the present amendment.

Claims 10-13 were amended by a Supplemental Preliminary Amendment filed on July 3, 2008. As discussed during the interview, Applicants respectfully submit that amended Claims 10-13 are supported by the original disclosure, and contain no new matter. Accordingly, Applicants respectfully request that the rejections of Claims 10-13 under 35 U.S.C. § 112, first paragraph, be withdrawn. Further, Applicants respectfully submit that amended Claims 10-13 patentably define over Wei, and the rejection of Claims 10-13 under 35 U.S.C. § 102(b) has been overcome.

Briefly summarizing, Claim 10 is directed to a communication method for a communication system including a base station and a terminal, the terminal transmitting a data as a new data to the base station, and upon receiving an NAK signal indicating a

reception failure from the base station as a response to the transmission of the new data, transmitting the data as a retransmission data to the base station. The communication method includes a first step for the base station to transmit information on a value of a resource for data transmission that is used for a communication between the base station and the terminal. Further, the communication method includes a second step for the terminal to receive from the base station, information on the value of the resource for data transmission, and a third step for the terminal to transmit a new data to the base station based on the value of the resource for data transmission. The communication method also includes a fourth step for the terminal *to transmit a retransmission data to the base station regardless of the value of the resource for data transmission*, in case the new data is transmitted to the base station at the third step and the NAK signal is received from the base station as a response to the new data.

As discussed during the interview, Applicants respectfully submit that Wei et al. fails to teach all of the features recited in Claim 10. For example, Wei et al. fails to teach or suggest a terminal transmitting a retransmission data to the base station regardless of the value of the resource for data transmission. Instead, Wei et al. describes a system that utilizes the Radio Link Protocol (RLP) residing above a physical layer to handle lost packets. Further, Wei et al. describes using hybrid automatic retransmission control function (HARQ-CF) defined by the cdma2000 protocol in combination with the RLP to handle lost packets. However, the system described by Wei et al. fails to automatically retransmit a piece of data from a terminal to a base station that has caused a NAK to be sent from the base station to the terminal. For example, referring to Figure 4 of Wei et al., subpacket A is transmitted from a terminal to a base station, resulting in a NAK sent back to the terminal. However, Figure 4 does not show *transmission of retransmission data to the base station regardless of the value of the resource for data transmission*, as recited in Claim 10.

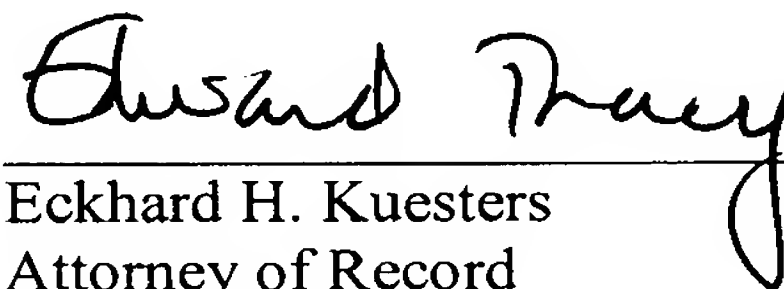
Therefore, Applicants respectfully submit that Wei et al. fails to teach all of the features recited in Claim 10. Claims 11-13 recite similar features to those recited in Claim 10. Accordingly, Applicants respectfully submit that Claims 10-13 (and all associated dependent claims) patentably define over Wei et al.

New Claims 14-19 have been added to vary the scope of patent protection and to further define over the cited reference. New Claims 14-19 are supported at least by Figures 3, 5, and 6, and associated text. Thus, no new matter has been added. Claims 14-19 depend from Claims 10, 11, and 13 directly or indirectly, and are believed to be allowable over Wei et al.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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